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AUG 10 2006

Serial No. 10/695,990  
Art Unit: 2643

**REMARKS**

Claims 2 to 21 and 23 to 26 are pending. Claims 1 and 22 have been cancelled.

New claims 25 and 26 are presented for consideration by the Examiner.

The Examiner has rejected claims 21 and 24 as use of the term "adapts" is allegedly vague and indefinite. Applicant respectfully disagrees. Claim 24 has been amended for clarity. Now, the term "adapts" in these claims refers to the role computer executable instructions. The term "adapts" commonly means "make fit for"; "change to suit the purpose", etc. A person of ordinary skill readily understands the nature of computer executable instructions, and when such instructions "adapt" a computing device to perform the recited limitations. A person of ordinary skill would therefore readily understand the meaning and metes and bounds of claims 21 and 24. Withdrawal of the rejections of these claims under 35 USC 112.

Former claim 1, rejected under 35 U.S.C. 102 as clearly anticipated by U.S. Patent No. 5,914,747 to Hamilton (hereinafter "Hamilton"); U.S. Patent No. 6,473,114 to Strubbe (hereinafter "Strubbe"); U.S. Patent No. 6,744,460 to Nimri et al. (hereinafter "Nimri") and U.S. Patent No. 6,674,458 to Cohen-Solal et al. (hereinafter "Cohen-Solal") has been cancelled.

New claim 25 claims a method of controlling the display of video images representing multiple conference participants that are currently active in a conference. The method adjusts appearance of video associated with one of the currently active participants as that participant's activity level increases and decreases. Adjustment emphasizes the conference participant's activity in the conference among multiple conference participants.

The references applied by the Examiner, on the other hand, fail to disclose adjusting the

Serial No. 10/695,990  
Art Unit: 2643

appearance of a video image of one active conference participant in a conference amongst multiple active participants, so that as the conference participant becomes more active in the conference, the video image representing that conference participant becomes more prominent amongst multiple video images on the display to emphasize the conference participant's activity in the conference, and as the conference participant becomes less active in the conference, the video image representing the conference participant becomes less prominent.

Hamilton and Strubbe, for example, disclose ways of allowing conference participants to enter or leave a conference. They do not disclose or suggest emphasizing activity of an already active participant in a conference, as claimed.

Nimri, Cohen-Solal and Ferran, on the other hand, disclose ways of selecting conference modes based on overall conference activity. Again these references do not disclose or suggest emphasizing activity of an already active participant in a conference, as claimed.

New claim 25 is also no longer directed to a single step. It is therefore believed that claim 25 complies with 35 USC 112.

It is therefore believed newly presented claim 25 is in condition for allowance.

The dependencies of former claims 2 to 21 have been amended to depend on newly presented claim 25. Consequential and clarifying amendments have also been made to claims 2 to 13 and 18 to 21. It is believed that these claims too are in condition for allowance.

New claim 26 claims a computing device storing computer executable instructions that adapt the device to perform in much the same manner as method claim 25. It is therefore believed newly presented claim 26 is also in condition for allowance.

Serial No. 10/695,990  
Art Unit: 2643

Claim 23 has been also rejected by the Examiner under 35 USC 102 as clearly anticipated by Ferren, Nimri, Hamilton and Strubbe. A proper rejection under 35 USC 102 requires (2100 MPEP),

The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (The elements must be arranged as required by the claim), but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Careful review of the applied references, however, does not specifically reveal transcoding a data stream representing video images, from one bit rate to another bit rate in dependence on a level activity associates with the participant originating the stream, as claimed in claim 23. Accordingly, it is submitted that the rejection of claims 23 and 24 under 35 USC 102 is improper. Withdrawal of the rejections under 35 USC 102, or clear identification of those portions of Ferren, Nimri, Hamilton, Strubbe, or Cohen-Solal disclosing such transcoding is respectfully requested.

No new matter has been amended.

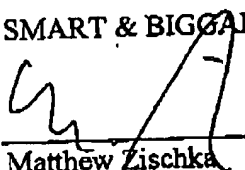
Serial No. 10/695,990  
Art Unit: 2643

In view of the above, it is believed that this application is in condition for allowance.  
Favourable reconsideration and allowance of this application are requested.

Respectfully submitted,

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